

EXHIBIT “B”

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. 4:16-cv-01924-EJD

ADAM SHAW, PETER GOLIGHTLY,
JUSTIN TURNER, and JOSHUA
STANSFIELD, as individuals and on
behalf of others similarly situated
and the general public,

Plaintiffs,

vs.

WIZARDS OF THE COAST LLC,

Defendant.

101 East Kennedy Boulevard
Tampa, Florida
9:41 a.m. to 5:27 p.m.
April 25, 2017

VIDEOTAPED DEPOSITION OF JUSTIN TURNER

Taken on behalf of the DEFENDANT before Kim
Auslander, RPR, CRR, Notary Public in and for the State
of Florida at Large, pursuant to Notice of Taking
Deposition in the above cause.

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15 ALSO PRESENT: Rob Turner, Esq.

16

Nicholas Mitchell, Esq.

17

Helene Bergeot

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Greg Scrivener, Videographer

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1 A Yes; I gave the current one to my lawyers.

2 They have at least this year's and last year's.

3 Q But you have other ones?

4 A I have the one from 2015 and I have the ones
5 that are pursuant to working pro tours with Wizards,
6 yes.

7 Q And did you produce any 10-99's?

8 A No.

9 Q Why not?

10 A I wasn't aware I had to produce 10-99's,
11 again, because those would be things Wizards would have
12 filed as well.

13 Q Did you produce any contracts with other TO's?

14 A No. I don't have any.

15 Q Have you ever received compensation from a TO?

16 A Not directly. Well, I got -- this year I did
17 from Star City Games, I signed a contract and had an
18 event, but it was a month ago.

19 Q Okay. Did you bring that today?

20 A No.

21 Q Where is that contract?

22 A It would be in my e-mail.

23 Q You signed a contract with Star City Games?

24 A Yes.

25 Q For which event?

1 A For Grand Prix in Orlando.

2 Q And what was your role there?

3 A Floor judge.

4 Q Did they pay you?

5 A They did.

6 Q What did they pay you?

7 A \$750.

8 Q As an employee or an independent contractor?

9 A As an independent contractor.

10 Q What record do you have of the payment?

11 A They gave me a check. I have -- I don't think
12 I have the stub anywhere still, but it would be in my
13 bank records when I deposited it.

14 Q Did you bring those with you today?

15 A No.

16 Q How much time did you spend looking for
17 documents with respect to what was requested?

18 A I would say about 15, 20 hours from finding
19 the ways and means to even get into my e-mail and pull
20 stuff from five, six years ago all the way through until
21 now, to put it into a format to where I could bundle it
22 all together and send it as one file, looking through my
23 social media accounts, looking through Slack, having a
24 conversation to see if we can get older history in the
25 Slack channel, and coming up with search terms that gave

1 the game, you can win invites to certain things in the
2 real world, but mostly it's you just win online currency
3 and things of that nature to continue to play online.
4 They are all technically sanctioned. I don't actually
5 know that answer.

6 Q You don't know whether they are or not?

7 A Online, no.

8 Q Okay. And is there a website you go to to
9 play online?

10 A It's a program, computer program.

11 Q That you buy or --

12 A It's free, but you have to buy the cards.

13 Q And where do you get the program?

14 A From Wizards' website. It's a Wizards
15 product. Wizards Magic online.

16 Q So you went to Wizards.com and uploaded the
17 program?

18 A Uh-huh.

19 Q Yes?

20 A Yes.

21 Q And you play against other people online?

22 A Yes.

23 Q Okay. And when's the last time you played any
24 live tournament?

25 A It would be probably the Shadows Over

1 Innistrad or the Eldridge Moon prerelease, so those
2 would be summer of last year.

3 Q And where were those?

4 A Those were at a store in Palm Harbor called
5 Short Stops Cards and Games.

6 Q Was there an entry fee?

7 A Yes.

8 Q How much was it for the Shadows?

9 A \$25.

10 Q And who did you pay that to?

11 A To the store owner.

12 Q Who's that?

13 A Justin Vickers.

14 Q Is he a friend of yours?

15 A Yeah.

16 Q How do you spell Vickers?

17 A V-I-C-K-E-R-S.

18 Q On the second one, the Eldridge Moon, what was
19 the entry fee?

20 A Same.

21 Q 25 bucks?

22 A Yup.

23 Q Same guy?

24 A Yup. Him or his brother. His brother's name
25 is Travis.

1 Q And they own the store?

2 A Yes.

3 Q And do they put on Friday Night Magic too?

4 A They do.

5 Q Do you judge for them?

6 A I do not.

7 Q Do they judge their own Friday Night Magic?

8 A They have other people that do it.

9 Q Who?

10 A Ben McDole and a guy named Billy -- Greek --
11 Vasilaskis.

12 Q Are they employees of the store?

13 A They are not.

14 Q And do Steve or -- does Justin Vickers pay
15 him?

16 A I'm unaware of their arrangement.

17 Q You don't know?

18 A Yeah.

19 Q Were there judges at the two events that you
20 played?

21 A There were.

22 Q And do you know who paid them, if anyone?

23 A I am unaware.

24 Q And who organized those tournaments?

25 A That would be either the store -- it would be

1 the store.

2 Q The Vickers brothers?

3 A Yeah.

4 Q And what do they do with the entry fee, if you
5 know?

6 A I have no idea. Put it in the cash register.

7 Q That's a good place for it.

8 A Yeah.

9 Q Either that or go buy some beer.

10 A Whatever they do with it is their business.

11 Q How many people were in the first one, the
12 Shadows?

13 A It would be 60 or so for both. They were
14 midnight events.

15 Q Meaning they started at midnight?

16 A Yeah.

17 Q How late do those go?

18 A Until about 4, 5 in the morning.

19 Q Okay. So four, five hours?

20 A Yeah.

21 Q And that's at the store?

22 A Yes.

23 Q When did you decide that you wanted to be a
24 class rep for a wage hour lawsuit?

25 A It would be about March or April of last year.

1 Q So March, April 2016?

2 A Yup.

3 Q And why did you decide to do that?

4 A There was a couple reasons. First was I was
5 unfairly suspended along with all of my region by people
6 at Wizards of the Coast on the week of Christmas in
7 2015, and it was an atrocious couple weeks trying to get
8 that work through their various channels.

9 It was completely done wrong. I was lied to
10 by them over the phone, then I was suspended with no
11 avenue of recourse. I wasn't allowed to participate in
12 tournaments. It cost the judges in my region tens of
13 thousands of dollars in lost opportunity wages for the
14 suspension that they didn't even see coming. That had
15 me pretty perturbed by January of 2016, when I finally
16 got the suspension revoked towards the end of the month.

17 Then after that I was reinstated as a regional
18 coordinator, and we were talking about the contractual
19 issues. I actually had a conversation with Mr. Mitchell
20 about the issues that I had with the contract because
21 they had violated some of the clauses on that contract
22 when they suspended me at the tail end of 2015.

23 After a brief conversation with Mr. Mitchell,
24 I heard from the judge manager at the time, Sarah Smith,
25 that they were not interested in making any alterations

1 The WPN is the Wizards Play Network; it is
2 their organization of stores.

3 Q Did you produce the articles?

4 A No; again, because those are Wizards
5 documents. I didn't think I would -- those are things
6 they have.

7 Q Okay. Anything else where you think someone
8 said that judges are volunteers?

9 A No.

10 Q Now, you've been an independent contractor as
11 a judge, right?

12 A I have been termed as one, yes.

13 Q You have been paid as one?

14 A Yes.

15 Q So you weren't a volunteer when you were
16 working as an independent contractor, were you?

17 A No.

18 Q You said that the judges in your region,
19 because of the suspension related to the leaked card,
20 had tens of thousands of dollars in potential losses; is
21 that right?

22 A That is correct.

23 Q Okay. Which judges were suspended in your
24 region?

25 A There was 13 of them, so I won't remember them

1 A He called me and told me about it. I
2 confirmed it with Wizards.

3 Q Who did you confirm it with?

4 A Aaron Hamer.

5 Q Verbally or in writing?

6 A Verbally, then I checked the DCI suspended
7 players, and he was on there.

8 Q For two years?

9 A Yes.

10 Q Has he been reinstated?

11 A He got it reduced to a year upon appeal, so
12 he's been reinstated as of now. I believe his
13 suspension expired December of 2016.

14 Q Okay. And prior to that do you know how many
15 events he judged?

16 A Adam?

17 Q Yes.

18 A No.

19 Q Do you know how much money he made judging?

20 A No.

21 Q Do you know if he made any?

22 A I have no idea.

23 Q Do you know if he ever had a contract?

24 A I do not believe he did.

25 Q Do you know one way or the other?

1 A I do not know for sure.

2 Q Do you know which TO's he worked for?

3 A No.

4 Q Do you know what events he judged?

5 A I mean, I could look it up. I don't know --

6 Q Where would you look it up?

7 A How?

8 Q Where would you look it up?

9 A Oh, on his judge membership page.

10 Q Judge Apps?

11 A Judge Apps now, because Judge Center would
12 have just went down. It would have been Judge Center up
13 through two weeks ago.

14 Q Who created Judge Apps?

15 A Jason Lemahieu.

16 Q Who's the administrator?

17 A I believe him; Jason.

18 Q Have you talked to Hubble about joining the
19 lawsuit?

20 A Yes.

21 Q What did he tell you?

22 A I believe he just signed on as a member of the
23 class.

24 Q What did you tell him?

25 A I told him the basic tenace of what we were

1 A Yeah. Matt Williams and Ben McDole, the
2 figure -- the money figure that I came up with was from
3 looking at the tournaments for the Level 3's, just the
4 Level 3's, which was me, Ben, Matt Williams, Brian
5 Prillaman, and the events that we were scheduled to go
6 to, because we were also told we couldn't apply for
7 tournaments while we were suspended.

8 So we had this whole potential six-month gap,
9 if we had served our three months and were not allowed
10 to apply for events in those three months as well,
11 six-month gap in events, and at that time a Level 3
12 judge was doing fairly decently so far as the foils and
13 whatnot and the cards we were getting paid, so there was
14 a lot of lost opportunity wages there.

15 Q Well, how much were you making a year as an
16 L-3?

17 A Last year, I probably made 10, \$12,000
18 judging.

19 Q Under your independent contractor agreement?

20 A No.

21 Q Outside of that?

22 A Yes. The independent contractor agreement is
23 for regional coordinator. It has nothing to do with
24 actual judging that I made \$10,000 on.

25 Q So you made 10 to \$12,000 judging?

1 A Yes.

2 Q Who paid you?

3 A For that 10 to 12 grand, that came from the
4 tournament organizers.

5 Q Which ones?

6 A Star City Games, predominantly; Pastimes. I
7 think those are the only ones I worked for for those
8 large events.

9 Q And where are the records of those payments?

10 A It would have been checks, so probably my bank
11 records.

12 Q Did you produce those?

13 A No.

14 Q Why not?

15 A I wasn't aware I had to produce my bank
16 statements.

17 Q We asked you for records of payments by
18 tournament organizers.

19 A Oh, I'm sorry; I must have missed that part.

20 Q Anyone other than Star City and Pastimes pay
21 you in 2016?

22 A In money, no, I don't think so.

23 Q So they paid you 10 or 12 grand cash?

24 A In checks, yeah.

25 Q They also gave you swag?

1 A No. This was after those days were done.

2 Q Did you receive any other compensation in
3 2016?

4 A From little stores and stuff, sometimes
5 working small events, regional pro tour qualifiers, and
6 things of that nature.

7 Q Where are your records of that?

8 A I don't have records of that. There's nothing
9 on paper.

10 Q What stores paid you?

11 A I have to think on that for a second.

12 Q Okay.

13 A Jax Game Center paid me for an RPTQ in that
14 year in Jacksonville, Armada Games in Tampa paid me for
15 pre-release.

16 Q You negotiated your compensation with Armada,
17 right?

18 A Yes.

19 Q Wasn't there an issue with a card you weren't
20 supposed to get?

21 A Yeah. That was in 2014.

22 Q We'll go back to that then. We will go
23 backwards.

24 A Okay.

25 Q So 2016, who else?

1 A Again, I was unaware you needed records of
2 that stuff, but I can get that for you.

3 Q And how much did Jax pay you?

4 A They gave me some boxes that they were given
5 from Wizards.

6 Q How do you know who gave them the boxes?

7 A Because they told me.

8 Q Beyond what they told you, do you know where
9 they got the boxes?

10 A No.

11 Q How many boxes did they give you?

12 A Six.

13 Q At 140 each?

14 A Well, they don't actually sell for 140 each.
15 That is the retail value. Nobody sells at retail. I
16 could sell them for about 80.

17 Q Okay. So \$480?

18 A Yeah. That was for two days plus travel; I
19 had to drive to Jacksonville, and hotel for two nights.

20 Q Okay. Did you charge them for hotel and
21 travel?

22 A They booked the hotel.

23 Q They paid for the hotel?

24 A Yes.

25 Q What else did they do?

1 you've judged?

2 A Hardly any. Just my event records. So I
3 would be able to easily tell you any Grand Prixes or
4 large events that I worked, because those would be on my
5 event history. Other than that, I don't keep
6 everything.

7 Q So the little ones you don't -- just would be
8 your memory?

9 A Correct.

10 Q Do you always charge the store something?

11 A Yes.

12 Q So you never work for free?

13 A Correct.

14 Q And you negotiate that with the store?

15 A Yes.

16 Q In 2015, how much did you make judging?

17 A It would have been about the same, slightly
18 less.

19 Q Okay.

20 A Maybe about 8,000.

21 Q And that includes the small stores?

22 A Yes.

23 Q And boxes?

24 A Yes.

25 Q What small stores did you work for?

1 and complete testimony, Mr. Turner?

2 A Yes, sir.

3 Q Katie Temple; is that your fiance?

4 A Yes, sir.

5 Q How much did she make in 2016 judging?

6 A Unaware.

7 Q Did she judge?

8 A She did.

9 Q Where?

10 A Let's see. I believe she did -- actually, no,
11 she didn't in 2016. She didn't judge any big
12 tournaments. She judged a couple local things for
13 stores. I am unaware of what compensation she received.

14 Q Which stores?

15 A She worked at a local comic bookstore called
16 Emerald City, she did a tournament at a local store
17 called Serenity Games. I believe that would be the
18 extent of the stores she worked for.

19 Q Did she judge Friday Night Magic?

20 A Yes.

21 Q That's where those were?

22 A At Serenity, yes.

23 Q And she negotiated with the store owner if
24 there was any compensation?

25 A I believe so.

1 Q She didn't tell you what it was?

2 A No.

3 Q Do you know what her earnings from being a
4 judge were in 2012, '13, '14, or '15?

5 A No, sir.

6 Q Any idea?

7 A No, sir.

8 Q Do you know what tournaments she worked at?

9 A The only big tournament I'm aware of that she
10 worked at was a tournament in Japan that she came to
11 with me, and I think it was 2015 in Sheba.

12 Q She was a judge?

13 A Yes.

14 Q What level is Katie?

15 A 1.

16 Q And when did you meet?

17 A We met in 2012.

18 Q And in any of the years you've known her, do
19 you know what her relationship or her negotiated
20 compensation with any of the TO's or other folks were?

21 A No.

22 Q Do you know the hours that she put into
23 judging?

24 A No.

25 Q And she lives at your address?

1 A Yeah.

2 Q Is she part of the lawsuit?

3 A Yes.

4 Q Who talked to you about joining the lawsuit?

5 A Adam Shaw.

6 Q Anyone else?

7 A No.

8 Q When you work at the store, who tells you when
9 the tournament -- or when you're going to start?

10 A The store owner.

11 Q And do they dictate to you what you do while
12 you're there at the store?

13 A To a degree. Our job is to uphold the
14 policies put forth by Wizards, so most of what we're
15 doing is already understood before we start working at
16 any given job site.

17 If there's specific things to that job site,
18 sometimes the store owner will ask for additional
19 laborers, like cleaning and things of that nature.

20 Q Okay. The Judge's Code; that wasn't written
21 by Wizards, was it?

22 A The Code of Conduct?

23 Q Yes.

24 A I don't believe so.

25 Q Who wrote it?

1 A That would have been the Judge Conduct
2 Committee.

3 Q JCC?

4 A Yes.

5 Q And are you on that?

6 A No.

7 Q And how are people appointed to the JCC?

8 A I believe there is an application process that
9 the JCC maintains on a yearly basis.

10 Q And that's independent of Wizards, correct?

11 A I'm not sure that it's independent of Wizards.

12 The person who's in charge of it is a contracted
13 employee of Wizards or an independent contractor of
14 Wizards. They are paid in the interface directly --

15 Q Who is that?

16 A Currently Johanna Virtanen, I think.

17 Q And it's your -- what is your understanding
18 that she's contracted to do at the JCC?

19 A It is my understanding she's contracted by
20 Wizards to oversee the implementation of the Conduct
21 Code and to adjudicate any disputes or violations of
22 said code.

23 Q What do you base that understanding on?

24 A Talking to her.

25 Q So she's told you --

1 A Yes.

2 Q -- that she has a contract with Wizards --

3 A Yes.

4 Q -- for the JCC?

5 A Yes.

6 Q Have you seen the contract?

7 A No.

8 Q When did she tell you this?

9 A When she got it.

10 Q When was that?

11 A Barcelona, so tail end of 2015.

12 Q What exactly did she tell you?

13 A That she was approached to do it by someone at
14 Wizards -- I don't remember who -- she said approached
15 her to do it, and they wanted her to oversee both the
16 Player Investigation Committee and the Judge Conduct
17 Committee, and were going to give her a contract to do
18 both, and she was wrestling with whether she was going
19 to do it or not, if she had the time.

20 Q Was anyone else there when you had the
21 conversation with her?

22 A No.

23 Q And this was at Barcelona?

24 A Yes. It was at the Regional Coordinator
25 Conference.

1 Q Have you seen this contract?

2 A No.

3 Q And do the stores give you food?

4 A Sometimes.

5 Q And you're free to negotiate whatever you want
6 with the store, right?

7 A Yeah.

8 MR. LINDEGREN: David; housekeeping. I don't
9 know that we have a protective order in place, but
10 we're going to need to get one, and if you can
11 agree with me, it would help us not have to argue
12 about coming back and stuff.

13 With respect to the Faturechi things that are
14 confidential, I would like them to be held
15 confidentially while we work it out; in other
16 words, with respect to a protective order.

17 There's a few other things that we may want to
18 do that on, such as your client's 10-99's and
19 things like that; at least give some protection so
20 they're not in the public domain completely, but if
21 we can agree that we will work on a good faith
22 basis to have some kind of a protective order for
23 those items, then we can hopefully do it that way,
24 since I don't think we have one in place, because
25 we haven't gotten any discovery requests from you

1 the regional coordinator list, and if they don't really
2 have something to do with judging per se, I don't really
3 read it.

4 They apparently had sent a copy of the
5 agreement for the regional pro tour qualifiers to the
6 regional coordinator list on April 22nd.

7 Q So you have a copy of the TO's contract from
8 this event?

9 A I would have a copy of what they sent out to
10 the stores, yes.

11 Q Where is it?

12 A It would be in my e-mail from April 22nd. I
13 would have produced it because it would have come from
14 Wizards.

15 Q I don't have it.

16 A Okay. But it's also a Wizards-generated
17 document. Wizards would have it as well.

18 Q Funny thing, it's always the case, but that's
19 not how discovery works.

20 A Okay.

21 Q It's okay. Don't worry. We'll figure it out.
22 I didn't read the TO's contract to see if
23 there was a rule about it.

24 Was there a rule about promotional cards?

25 A Apparently, there was; that they were not able

1 to be given out to anybody other than players.

2 Q Okay. But the TO, I guess, violated that
3 rule?

4 A Yes.

5 Q And then you sent the card back?

6 A I did.

7 Q In the one above from you, again, to Laura and
8 Andy, you are trying to clarify -- in the middle you
9 say:

10 I realize my initial communication makes it
11 seem like it was part of my negotiated compensation for
12 the event.

13 Well, that's true, right?

14 A Well, I wanted it to be, but then we came up
15 with the idea that, no, it could not be.

16 Q After you got the card?

17 A No. The TO said it wasn't going to be part of
18 it, and he had put it in there, I guess, at the time,
19 and then forgot about it. It was physically in my
20 compensation, but it wasn't supposed to be.

21 As soon as Wizards contacted me to send the
22 card back, I was like, no problem; I took it out when I
23 realized it was in there, and I can send it back to you
24 guys.

25 Q How did Wizards find out that you had the

1 Q You don't know how many there were?

2 A No. Pro tours, average staff, about 25.

3 Q But you don't know?

4 A No.

5 Q And, again, your contact was Eric Sorenson?

6 A Yes; for the contract. Eric wasn't at the pro
7 tour.

8 Q Okay.

9 A In person, at the event, my contact would be
10 Scott Larabee.

11 MR. LINDEGREN: Okay.

12 Let's mark as Exhibit 11 a four-page document.
13 This, again, is a Judge's Service Agreement,
14 appears to be signed by you, sir. This one is for
15 the Pro Tour M15, August 1 through 3, 2014.

16 (Defendant's Exhibit 11 marked for
17 identification.)

18 BY MR. LINDEGREN:

19 Q My first question is, is your signature on
20 page three?

21 A Yes.

22 Q And do you know what Exhibit 11 is?

23 A Yes. It's a contract to work with Pro Tour
24 M15.

25 Q And this is the agreement you entered with

1 Wizards to provide services at that event?

2 A Yes.

3 Q And same question; do you have any records
4 with respect to the services you provided and the time
5 periods in which you provided them?

6 A No.

7 Q Did you eat your lunches?

8 A Yes.

9 Q Did anyone tell you you couldn't take lunch or
10 a meal?

11 A No.

12 Q If you worked past eight hours did you get
13 another meal?

14 A No.

15 Q No? Was that by choice?

16 A There was nothing in the schedule for us to
17 take a second break.

18 Q Okay. Were you allowed to if you wanted to?

19 A I don't know.

20 Q Did you ever ask?

21 A No.

22 Q What's the longest you worked at this event?

23 A Ever?

24 Q At this event.

25 A I don't recall specifically.

1 Q And you were paid \$1,000?

2 A Yes.

3 Q Did you work all four days?

4 A No. Three.

5 Q And you believe that would be reflected in the
6 records?

7 A Yes.

8 Q Which records would show you only worked three
9 of the days?

10 A There's only three days of a pro tour.

11 Q Oh, then I'm counting wrong. I guess it's
12 three. Okay. Outsmarted myself.

13 But you worked all three?

14 A This one I'm not sure I worked all three,
15 because the amount of the contract had to do with how
16 many days you got selected, so the amounts of the
17 contracts before that were a 1,550 figure; those ones
18 were for three days. Since this one is only 1,000, I
19 believe it was only for the first two days.

20 Q Your recollection was how much was it per day?

21 A \$500 per day.

22 Q Is that what it still is?

23 A Yeah, I understand so.

24 Q And what is your understanding based on?

25 A The fee hasn't really changed in five years.

1 Q Okay. So 500 a day. So if we do the math
2 then, roughly, that would tell us how many days at each
3 of those you worked?

4 A Yes.

5 MR. LINDEGREN: Let's mark as Exhibit 12 a
6 five-page document called Judge's Services
7 Agreement, effective October 1, 2015.

8 (Defendant's Exhibit 12 marked for
9 identification.)

10 BY MR. LINDEGREN:

11 Q The first question for you, sir, is do you
12 know what this is.

13 A Yes.

14 Q What is Exhibit 12?

15 A This would be my contract to work the World
16 Magic Cup that year.

17 Q Which year?

18 A 2015. And to attend the Regional Coordinator
19 Conference.

20 Q Okay. So you had an agreement to do both?

21 A Yes.

22 Q As an independent contractor, right?

23 A Yes.

24 Q And then did you seek counsel on this
25 agreement?

1 Q I'm sorry. I thought you said you were the
2 head judge.

3 A I was.

4 Q Were there any other judges?

5 A Oh, yes. There was one; a local judge.

6 Q And who picked the judge?

7 A The store. He was a store employee.

8 Q Who picked you?

9 A The store.

10 Q Then on the most recent exhibit, Exhibit 12,
11 you were paid 3,450?

12 A Yes.

13 Q And can you break that down into what days you
14 worked?

15 A Worked all three of the days at the event;
16 that would have been about 1,500 of it, then the other
17 2,000 would have been my travel and hotel for the
18 Regional Coordinator Conference that took place
19 immediately afterwards.

20 Q So you were paid for travel and hotel?

21 A In this case, yes, because there was a
22 conference.

23 Q Do you have any records of when you were and
24 weren't paid for travel?

25 A I -- well, all of these contracted agreements

1 with Wizards were supposed to be inclusive of that.
2 There was no reimbursement for any other expenses other
3 than this, so I count that as being paid for travel,
4 because it was the only pay I received, and I had to pay
5 for travel.

6 Q No; my question was a little different.

7 Do you have a record of events where you
8 received travel from somebody and where you didn't?

9 A There were none. I was never paid for travel.

10 Q Other than as part of the independent
11 contractor amount?

12 A Right.

13 Q And you presumed that it included the
14 travel --

15 A Yes.

16 Q -- because it was all inclusive?

17 A Correct.

18 Q And how did you -- were you required to take
19 this assignment?

20 A No.

21 Q So it was just voluntary?

22 A Yes.

23 Q You were able to turn it down if you didn't
24 want to go?

25 A Of course.

1 A Talking to Level 4's.

2 Q Who?

3 A Most of the them. Jared Sylva, Kim Warren,
4 Sean Catanese, Toby Elliott, Sheldon Menery, Jason
5 Lemahieu, Chris Richter, Jeff Morrow, Kevin Dezprez,
6 Ricardo Tessitori, Cristiana Dionisio.

7 Q So all of them told you face-to-face that they
8 were handpicked and just asked to be an L-4?

9 A They were asked to be part of it, yeah. I was
10 very interested in becoming Level 4; that's why I talked
11 to so many of them.

12 None of them could give me a concrete answer
13 on how you became one. They were sometimes just as
14 confused as the people who weren't L-4, and they were
15 asked by Wizards, and a lot of times given NDA's and
16 things of that nature, so it seemed like it had to do
17 with you being a better fit for their, you know,
18 Organized Play program.

19 Q Other than what you heard from L-4's, you
20 don't personally know how anyone becomes an L-4, right?

21 A Correct.

22 Q And are L-4's compensated?

23 A I have no idea.

24 Q Do they have different duties?

25 A I know the L-4's were compensated for head

1 judging the events. They were not compensated for the
2 duties that happened outside of events.

3 It was a source of great tension between the
4 regional coordinators and the Level 4's, was that we got
5 contracts as regional coordinators starting in 2014 or
6 maybe 2015, and the Level 4's didn't, so they were being
7 asked to do these outside of event activities to get the
8 opportunities to judge the big events, to head judge
9 them, which they got paid to do, and we were not; we
10 weren't getting paid for outside event work, so there
11 was a big rift.

12 Q Who asked an L-4 to do work outside of an
13 event?

14 A Andy.

15 Q Andy Heckt?

16 A Yes.

17 Q How do you know that?

18 A That's what the Level 4's would tell me.

19 Q Beyond that, were you part of a conversation
20 where Andy asked someone to work or they didn't?

21 A I was part of a conversation between Laura
22 Kilgore, Andy, and Adam Shaw towards the end of his
23 tenure as a Level 4, and he was -- they were basically
24 telling him that he needed to do these things for this
25 DCI Family website, which he was saying he didn't have

1 and asked for assistance in locating a judge.

2 Q Where does an RC have input?

3 A Wherever they are requested to have input.

4 Q You are not normally part of the process then?

5 A No.

6 Q I thought you told me earlier that you were?

7 A For Grand Prixes, yes.

8 Q So Grand Prix is different?

9 A Yes. That has a public staff document, the
10 public application process.

11 Q Well, some of the other ones have an
12 application process too?

13 A Some of the other ones will use Judge Apps to
14 be the application process, but RC's aren't involved in
15 the staffing decisions at all.

16 Q Tournament organizer would post that they need
17 judges on Judge Apps, right?

18 A They can. They often don't, but they can.

19 Q How do you know how often they do it?

20 A Because I see the events that are posted on
21 Judge Apps. I know how many events are run.

22 Q If they don't post on Judge Apps, where do
23 they get the judges?

24 A Usually ones they know personally who have
25 worked for them before, or they contact the regional

1 Florida judges and I had some tournament reports on
2 there.

3 Q So you listed that as something that a head
4 judge would do, but you haven't done it since 2011?

5 A Correct; but it's something that many head
6 judges do. We have a whole section for Tournament
7 Reports on the Judge Apps forums.

8 Q Do you know who does them and how often?

9 A Level 2 judges, and at least one a year,
10 because that is the requirement to maintain the level.

11 Q I'm getting more specific. Do you know whose
12 done what reports?

13 A Oh, no.

14 Q Do you know how much time they spend doing
15 them?

16 A No.

17 Q Of the tournaments that you were the head
18 judge, how many were only one judge?

19 A Probably about 8 to 10 of those 24.

20 Q Okay. And those would just be in-store play?

21 A Yeah, or regional qualifiers, but those are
22 in-store.

23 Q And you were paid by the store for that?

24 A Yes.

25 Q And then of the remaining, what kind of a

1 tournament would that have been?

2 A That would have been original pro tour
3 qualifiers, which were held in a venue or a large store
4 that had multi judge staff, because there were about 200
5 players.

6 Q What other kind, if any?

7 A Star City Open Series I head judged for three
8 or four times. Those are large, about 4 to 500-player
9 events that are held around the eastern side of the
10 country.

11 Q Any others?

12 A No.

13 Q And when did you do the Star City Open Series?

14 A I couldn't give you exact dates.

15 Q You were paid, right?

16 A Yes.

17 Q And where is the documentation on the pay?

18 A I could find it. It would be in my e-mail, I
19 guess, somewhere, or there would be a check stub that
20 Star City would be able to provide me, or 10-99's.

21 Q Okay. Did you produce those?

22 A I'm not sure.

23 Q Did you look for them? Do you remember
24 finding them and giving them to your lawyers?

25 A I do not. Not the 10-99's specifically, no.

1 Q Any proof that Star City paid you?

2 A No.

3 Q And then the OPTQ; who was running those?

4 A The RPTQ?

5 Q Is it RP? I thought you said original.

6 A Regional.

7 Q I have never heard of an OPTQ, but I was going
8 with it.

9 A Regional pro tour qualifier. Those were put
10 on by Wizards, and the locations were selected by
11 Wizards in advance of the events.

12 Q Okay. Who at Wizards ran them?

13 A Who was in charge of RPTQ's right now?

14 Q We are talking about 2012 to 2017.

15 A After Ron Foster took over for GP's for Laura
16 Kilgore, Laura became in charge of the RPTQ and PPTQ.

17 Q Okay. How many times were you head judge at
18 an RPTQ?

19 A Four or five.

20 Q And were you paid?

21 A Yes.

22 Q When you were the head judge at the events
23 with more than one judge, how did you put together the
24 judge staff?

25 A Usually the tournament organizer would put it

1 together. They would solicit applications via Facebook
2 or something like that, then the tournament organizer
3 and I would go through the candidates, see who was the
4 most qualified, and take them.

5 Q Okay. And then you were responsible for
6 directing the services being provided by the judges?

7 A Yes.

8 Q What would you do? This is at the Star City.

9 A I would give them their instructions, have a
10 meeting at the beginning of the day, explain what it was
11 their team was going to be responsible for commensurate
12 with the running of the tournament. I would give them a
13 lot of times their break schedules or at least
14 instructions for creating a break schedule for the
15 lunches, and I would interface with the tournament
16 organizer to see anything they wanted that I hadn't
17 covered.

18 Q Okay. And then as the day went, were you
19 responsible for managing the day-to-day,
20 minute-by-minute work of the judges?

21 A I was responsible for making sure that the
22 event was running on -- you know, in a reasonable
23 fashion, I was responsible for seeing any issues and
24 taking corrective actions, correcting judges that did
25 things incorrectly for maintaining a communication

1 channel between the team leads of the various judge
2 teams to see if they needed anything, but their actually
3 what they did out on the floor, I wasn't in direct
4 supervision, no.

5 Q And did the TO directly supervise you?

6 A Yes.

7 Q They told you what to do minute-by-minute?

8 A Not minute-by-minute, but they gave me an idea
9 what they wanted the event to be, what my
10 responsibilities were going to be, how their event is
11 run, what things I need to have ready at what time.

12 Q Then they left it up to you?

13 A Yes; after that.

14 Q And then you made the schedules?

15 A No. Usually the schedules were made by the
16 tournament organizer.

17 Q No; I meant the schedules you talked to the
18 staff -- the judges about.

19 A Breaks. I would give them around when they
20 could take off to go to lunch, but the schedules of when
21 they worked and under what team they worked was done by
22 the tournament organizer.

23 Q But you sent people to lunch?

24 A Yes.

25 Q And did you give them other breaks?

1 A If they requested them.

2 Q And so that's the same for all the Star City
3 ones you were a head judge?

4 A Yes.

5 Q Is it the same thing for Wizards?

6 A I've never head judged for Wizards.

7 Q Oh, I thought you said you did.

8 A No. The regional pro tour qualifiers were
9 Wizards Organized Play program that I was the head judge
10 of at the stores, but any of those contracts that we
11 went through before, none of those were for head judge.

12 Q So the RPT, regional pro qualifier that you
13 were a head judge on, who were the TO's for that?

14 A We went through that before. Cool Stuff
15 Games, Jax Card Games or Jax Games Center, Armada Games.

16 Q And did it happen the same as with Star City;
17 in other words, your responsibility had you fulfill your
18 services and whatnot?

19 A No. It was a little bit different, because
20 that was a Wizards structured tournament, so I would
21 come there as a Level 3 judge, which was required for
22 the tournaments, then my job was to make sure the
23 tournament was run pursuant to the Wizards rules and
24 policies, and I didn't really have much interface with
25 the store owner. He didn't have a lot of latitude,

1 because there were a lot of rules about the way that the
2 regional pro tour qualifiers needed to be run, which was
3 put out by Wizards. They put out a fact sheet and rules
4 documents.

5 Q Any previous to those?

6 A I didn't.

7 Q Why not?

8 A I don't have the ones they sent at the store.
9 They tell them what needs to be done.

10 Q Well, do you have any?

11 A I could look.

12 Q Did you look?

13 A No. Anything I produced that came from
14 Wizards, I mean, thousands and thousands of e-mails I
15 gave you. If there's anything specific you're missing,
16 please give me a list; I would be happy to provide it
17 for you if I have it.

18 Q Were you the head judge at these RPTQ's or
19 just a Level 3?

20 A Head judge.

21 Q You said you were there as a Level 3?

22 A Well, Level 3 was required.

23 Q The head judge is the head judge, right?

24 A Yes.

25 Q Did you have input into who the other judges

1 were going to be?

2 A There often weren't any, and no. In the
3 events that there were other judges, they were ones
4 retained by the store.

5 Q They didn't ask for your opinion?

6 A No.

7 Q Did you create the schedules?

8 A No; because, again, I was usually by myself.
9 The other times we had a store judge involved in the
10 RPTQ they were a store employee, so they were given
11 their meal breaks and things by their managers.

12 Q They were being paid as an employee of the
13 store?

14 A Correct.

15 Q What store was that?

16 A That was the Jax Games Center.

17 Q Who is the employee that was paid?

18 A Richard Warren.

19 Q What level is he?

20 A 2.

21 Q So he was an L-2 helping you judge, and he was
22 paid by the store?

23 A Correct.

24 Q And how was he paid by the store?

25 A I'm unaware whatever region they had. He was

[1 an employee; regular employee of the store.

2 Q So the RPTQ's, did you ever act as a head
3 judge, whether it was other judges besides you or this
4 employee?

5 A No.

6 Q You said there's a structure for an RPTQ?

7 A Yes.

8 Q Where is that set up?

9 A They put out a fact sheet. Usually they
10 publish it on their website in advance of the event.
11 There is a set of criteria that are given to the
12 tournament organizer, which I only ever received once;
13 that one time that was referenced in the e-mail to Laura
14 in April 2014.

15 There is a -- the magic tournament rules,
16 which are the requirements for any sanctioned
17 tournament, that talk about how many rounds, how long
18 they should be, things of that nature, that we had to
19 follow.

20 And we had specific reporting requirements for
21 the amount of players in the event, the amount of
22 promotional materials given out, because Wizards would
23 account for the remainder when we sent the leftover
24 stuff back.

25 Q So the fact sheet would set out the number of

1 of the regional blog for USA Southwest regarding
2 PPTQ's and large events.

3 (Defendant's Exhibit 22 marked for
4 identification.)

5 BY MR. LINDEGREN:

6 Q I will ask you first if you've seen this
7 before.

8 A No.

9 Q Okay. PPTQ is what?

10 A Preliminary pro tour qualifier.

11 Q Who puts those on?

12 A Stores.

13 Q Stores? Okay.

14 This list says PPTQ Nashville by A1 Comics.
15 That's a TO?

16 A Yes.

17 Q And then Channel Fireball, the GP San Jose;
18 did you attend either of those events?

19 A No.

20 Q Under that, it says:

21 Staffing and compensation guidelines. The
22 following guidelines were developed in order to set
23 expectations to help standardize staffing and
24 compensation for preliminary pro tour qualifier events.
25 The goal of standardizing these practices is to help the

1 tournament organizers, TO's, and judges more officially
2 organize their PPTQ events. These guidelines were
3 developed as part of a collaborative effort between the
4 judges of the Southwest region and regional store
5 owners.

6 Have you worked with store owners in the
7 Southeast region to come up with guidelines?

8 A No.

9 Q Why not?

10 A I don't believe that among independent
11 contractors you are allowed to do that.

12 Q What do you mean?

13 A You are not allowed to collaborate with other
14 independent contractors to set prices.

15 Q So you think the southwest -- your buddies in
16 the southwest are violating antitrust laws?

17 A Maybe, or close to it. I didn't want to touch
18 it with a 10-foot pole, to be honest with you.

19 Q Do you have any reason to -- well, do you know
20 who set this up?

21 A No.

22 Q It says an effort between the judges and the
23 stores, right?

24 A It does.

25 Q Did you have any other involvement in this?

1 A No. This is the southwest.

2 Q I understand; but you have friends in the
3 southwest, don't you?

4 A I do.

5 Q Who is the RC for the southwest?

6 A David Zimet.

7 Q He is a good friend of yours, isn't he?

8 A He is.

9 Q You said he's in California now?

10 A He is in California.

11 Q Did you tell Zimet, I think you're violating
12 the antitrust laws?

13 A No, because I haven't seen this until you put
14 it in front of me.

15 Q Nowhere on here does it say Wizards had
16 anything to do with this, right?

17 A I'm not aware that it does. Again, I'm just
18 seeing it now for the first time.

19 Q Do you have any guidelines at all for
20 tournament organizers in the Southeast region?

21 A No.

22 Q What about the other regions besides the
23 southwest; do they have guidelines?

24 A Unaware.

25 Q Don't know one way or the other?

1 A No.

2 Q How many regions are there?

3 A 25.

4 Q More like 8?

5 How many RC's are there?

6 A 25.

7 Q Currently?

8 A Yes.

9 Q In the United States?

10 A Oh, no. You didn't say United States.

11 Q Let's back up and get on the same page.

12 A Okay.

13 Q My mind is in the United States, not
14 Rotterdam.

15 A Okay.

16 Q In the United States, how many RC's are there?

17 A 8.

18 Q How many regions?

19 A 8.

20 Q Thank you for the clarification.

21 A No problem.

22 Q So at least for PPTQ's, who sets the
23 compensation?

24 A Looks like it's negotiated between the judge
25 and the store.

1 Q How about in your region?

2 A That way the judge and the store work it out.

3 Q Okay. What about other events?

4 A That way; basically between the judge and the
5 tournament organizer.

6 Q Okay. And you've never seen Exhibit 22
7 before?

8 A No.

9 MR. LINDEGREN: Let's mark as Exhibit 23 a
10 four-page document entitled Welcome to the
11 Southeast Region of the Judge Program.

12 (Defendant's Exhibit 23 marked for
13 identification.)

14 BY MR. LINDEGREN:

15 Q The question will be, have you seen this
16 before?

17 A I believe I read this before, yeah. I think
18 this is one of the posts that Matt Nunam put on when he
19 created this blog.

20 Q So this is from the Southeast blog?

21 A Yeah.

22 Q And the gentleman you said who created it, his
23 name is at the last page; Your friendly neighbor and
24 Judge, Matt Nunam?

25 A Yes.

1 A Yes.

2 Q So each state has a Facebook group?

3 A Most of them do.

4 Q So a TO or a store can go on there and post --

5 A Yes.

6 Q -- say we are having an event at Karl's Card
7 Shop, I'm looking for judges?

8 A Yes.

9 Q Don't go to David's Card Shop.

10 A Pretty much it does get that dramatic
11 sometimes.

12 Q Larger events are posted at
13 apps.magicjudges.org, right?

14 A Yes.

15 Q That is not a Wizards website, is it?

16 A It is not.

17 Q First you will need to apply for the events
18 that you want to get on staff for; right?

19 A Yes.

20 Q So no one tells a judge they have to go
21 somewhere?

22 A No; not to a specific place, but again, there
23 is the requirements of you maintaining your
24 certification and advancing your certificates that
25 requires you to work these events.

1 Q And did your documents you collected include
2 any communications between you and Mr. Shaw?

3 A No.

4 Q Why not?

5 A Because they were done in the presence of
6 counsel.

7 Q Okay. Were there any written communications
8 with Mr. Shaw that didn't have counsel?

9 A No.

10 MR. LINDEGREN: One thing, David; we need to
11 get a privilege log.

12 BY MR. LINDEGREN:

13 Q Do you have any other agreements other than
14 the one produced with Star City?

15 A No.

16 Q And did you have any agreements with any of
17 the other TO's?

18 A No.

19 Q So you only ever had one written contract or
20 agreement with one TO?

21 A Yes.

22 Q And all the others just paid you cash?

23 A Boxes of product usually or cash.

24 Q And what records do you have of that?

25 A I don't. I would have the records of maybe

CERTIFICATE OF OATH OF WITNESS

STATE OF FLORIDA)
) SS:
COUNTY OF HILLSBOROUGH)

I, KIM AUSLANDER, Registered Professional
Reporter, Notary Public in and for the State of Florida
at Large, certify that the witness, JUSTIN TURNER,
personally appeared before me on April 25, 2017 and was
duly sworn by me.

WITNESS my hand and official seal this 5th day
of May, 2017.



KIM AUSLANDER, RPR
Notary Public, State of Florida
at Large

Notary #FF184913

My commission expires: 1/10/2019